

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

PC Connection, Inc.)	
)	
Plaintiff,)	Docket No. 1:15-cv-000208-PB
v.)	
)	
Stephen P. Price)	
)	
Defendant.)	
)	

**DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S
AMENDED COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES**

Pursuant to FED R. CIV. P. 12(b)(1) and (6), Stephen Price moves to dismiss PC Connection's complaint for failure to state a claim upon which relief can be granted. In this case, PC Connection seeks to enforce an invalid and unreasonable non-compete agreement that would prohibit the Defendant from accepting employment with any PC Connection competitor. This type of blanket restriction has been routinely struck down by New Hampshire courts. PC Connection also amended its complaint to include claims of conversion and breach of fiduciary duty, both of which are preempted by New Hampshire's Uniform Trade Secrets Act. Finally, PC Connection's complaint fails to provide adequate facts to support the minimum amount in controversy needed to confer subject matter jurisdiction to the Court.

As elaborated in the attached Memorandum of Law, PC Connection's complaint should be dismissed because it has failed to adequately plead an enforceable contract provision, a request for injunctive relief, and that it can satisfy the amount in controversy required for diversity jurisdiction.

WHEREFORE Defendant respectfully request that this Honorable Court:

A. Dismiss the Plaintiff's *Amended Complaint for Injunctive Relief and Damages*;

- B. Deny Plaintiff's request for an injunction; and
- C. Grant such other and further relief as may be just and equitable.

Respectfully submitted,

STEPHEN P. PRICE, Defendant

By His Attorneys,
UPTON & HATFIELD, LLP

Date: August 6, 2015

By: /s/ Lisa M. Hall

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CERTIFICATION

I hereby certify that a copy of the foregoing was served upon counsel of record via ECF system this date.

Date: August 6, 2015

/s/ Lisa M. Hall

Lisa M. Hall